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House Bill _____
By _____

Senate No. SB1657
By Crowe

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2, and Title 44, Chapter 17, relative to vicious animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding the following new part:

44-17-401. As used in this part, unless the context otherwise requires:

(1) "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(2) "Animal control officer" means an individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

(3) "Dangerous dog" means any dog that according to the records of the appropriate authority has:

(A) Inflicted severe injury on a human being without provocation on public or private property;

(B) Killed a domestic animal without provocation while off the owner's property; or

(C) Been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting, except a dog owned by a governmental or law enforcement unit used primarily to guard public or private property, shall be considered a "dangerous dog."

(4) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(5) "Potentially dangerous dog" means any dog that when unprovoked:

(A) Inflicts a bite on a human or a domestic animal either on public or private property; or

(B) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. Potentially dangerous dog also includes a dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals. A dog may not be determined to be potentially dangerous solely on the basis of breed.

(6) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, shall be kept in a sanitary condition, and shall also provide protection from the elements for the dog.

(7) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

44-17-402.

(a) It is a violation for an owner to have a dangerous dog in the state without a certificate of registration issued under this section.

(1) This section does not apply to police dogs.

(2) A violation of this section shall result in a civil penalty of not more than fifty dollars (\$50).

(b) The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

(1) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

(2) A surety bond issued by a surety insurer in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars (\$50,000), payable to any person injured by the vicious dog; or

(3) A liability policy in the amount of not less than fifty thousand dollars (\$50,000) evidenced by a certificate of insurance made to the

issuing animal control authority. The insurance required must be for one specific purpose of keeping a dangerous dog and must so state on the face of the policy. This requirement does not preclude insurance which by its nature provides coverage for this purpose as well as other general liability provisions.

(c)

(1) If an owner has the dangerous dog in an incorporated area that is serviced by both a city and a county animal control authority, the owner shall obtain a certificate of registration from the city authority;

(2) If an owner has the dangerous dog in an incorporated or unincorporated area served only by a county animal control authority, the owner shall obtain a certificate of registration from the office of the local sheriff.

(d) A municipality or county may charge an annual fee, in addition to any regular dog licensing fee, to register a dangerous dog.

44-17-403.

(a) It is a violation for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. A violation of this section shall result in a civil penalty of not more than fifty dollars (\$50).

(b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or

reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

44-17-404.

(a) A determination hearing shall be conducted by city or county animal control authority or the local sheriff whenever there is cause to believe that a dog may be a "dangerous animal." A hearing shall be conducted within five (5) days of serving notice to the owner by certified letter. Pending the outcome of such a hearing, the dog must be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian.

(b) Any dangerous dog shall be immediately confiscated by an animal control authority if:

(1) the rabies tag is not visible on the animal;

(2) the owner does not secure the surety bond or liability insurance coverage;

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. In addition, a violation of this subsection by an owner shall be guilty of a Class A misdemeanor.

44-17-405. A municipality shall not enact an ordinance concerning or otherwise regulate dogs as dangerous or potentially dangerous solely on the basis of breed.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it.

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